

The 15th March, 1986

No. 9/8/86-6Lab/2912.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Gandhi Metal Works, Rewari.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 165 of 1985

between

SHRI BAL KRISHAN, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
GANDHI METAL WORKS, REWARI

Present:

Shri Rishi Parkash for the workman.

Shri M. P. Gupta, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Bal Krishan and the respondent-management of M/s Gandhi Metal Works, Rewari has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/12-85/10503—8, dated 15th March, 1985 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Bal Kishan, was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was employed on 23rd July, 1981, with the respondent. The management registered theft case in police station, Sadar, Rewari on 14th July, 1984. The workman was harassed by the police, when he was left by the police, he went to the respondent factory but he was not taken on duty. According to claim statement he was going to join duty with effect from 14th July, 1984 but he was not taken on duty.

This claim has been contested by the management. It is alleged that the workman absented from duty with effect from 14th July, 1984 and he is demand to have abandoned the job voluntarily. The claimant was appointed as chowkidar. Theft was committed on 14th July, 1984 which was reported to the police on 14th July, 1984. Hence the workman absented himself of his own accord.

The reference was contested on the following issues:—

1. Whether the workman abandoned the job of his own accord?
2. As per reference?

I have heard the representatives of both the parties and gone through the entire evidence on record. My findings on the issues are as under:—

Issue Nos. 1 and 2:—

MW-1 Shri P. K. Mukherji has stated that the workman was employed on 23rd July, 1981, and a theft took place in the factory and report was lodged in the police station, Rewari. Photo copy of which is Ex. M-1. The workman remained absent since 14th July, 1984. A letter Ex. M-2 was written to him. Letter Ex. M-4 was written to him. Its postal receipt is Ex. M. 6. Notice was also given in the News Paper. Photo copy of which is Ex. M-8. In spite of this the workman did not turn up. Hence his name was struck off on 31st July, 1984. The workman has admitted in his statement as WW-1 that he was terminated on 14th July, 1984. He was taken by the Police on 15th July, 1984 and kept here for one day and left. The letters written to the claimant show that the workman remained absent and did not join duty. The postal receipt Ex. M-6 shows that the letters were written to him to join duty. It shows that the workman did not join duty out of fear of a theft case. On 31st July, 1984 his name was struck off. He has therefore deemed to have left the service under rule 17 of the Model Standing order. Taking into consideration that the workman could not join duty due to fear of a theft case and that he has served the management from 23rd July, 1981. I give the benefit of Section 11-A of the Industrial Dispute Act, to the workman and award him compensation of Rs. 2,000. The award is given accordingly.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Dated 18th February, 1986.

Endst. No. 814, dated the 18th March, 1986

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.